

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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HEATH VINCENT FULKERSON,

Plaintiff,

v.

STATE OF NEVADA DEPARTMENT OF
BUSINESS AND INDUSTRY, *et al.*,

Defendants.

Case No. 3:20-cv-00400-MMD-CLB

ORDER

In this case, *pro se* Plaintiff Heath Vincent Fulkerson attempted to sue the Nevada Department of Business and Industry and the Hartford Financial Insurance Group for insufficiently paying out on purported worker's compensation claims. In a prior order, the Court dismissed Plaintiff's Complaint, but granted Plaintiff leave to file an amended complaint within 30 days. (ECF No. 5.) The Court explicitly stated in that order that, "if Plaintiff fails to file an amended complaint within 30 days of the date of entry of this order, the Court will dismiss this case in its entirety, with prejudice." (*Id.* at 3.) To date, Plaintiff has not filed an amended complaint. "Pursuant to Federal Rule of Civil Procedure 41(b), the district court may dismiss an action for failure to comply with any order of the court." *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260 (9th Cir. 1992); *see also id.* at 1260-63 (affirming dismissal for failure to comply with an order requiring amendment of complaint). And as a function of that power in this case, the Court will dismiss Plaintiff's case with prejudice because Plaintiff has not filed an amended complaint within the time provided by the Court, despite the Court's order that he must.

It is therefore ordered that this case is dismissed with prejudice.

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1 The Clerk of Court is directed to enter judgment accordingly and close this case.

2 DATED THIS 7th Day of December 2020.

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6 MIRANDA M. DU
7 CHIEF UNITED STATES DISTRICT JUDGE
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